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August 28, 2007

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MS 7869

KINGSLEY, KINGSLEY & CALKINS
 91 W. Cherry Street
 Hicksville, New York 11801

Re: Macsteel International USA
 Corp. v. M/V GREAT RIVER, et al.
SDNY Case: 07 CV 6039 (LAK) (MHD)
Our File No.: 19/3442/B/07/7

Gentlemen:

Please be advised that we object to plaintiff's Notice of Deposition as premature and improper pursuant to Rules 30(a) (2) (C) and 26(d) of the Federal Rules of Civil Procedure.

Moreover, the case law makes plain you are entitled to, at best, the deposition of one witness from the vessel in the first instance.

In addition, that witness, should he still be in defendant's employment, is entitled to be examined at the place of business of the defendant not at your office. See, *Mill Run Tours v. Khashoggi*, 124 F.R.D. 547, 550 (S.D.N.Y. 1989); *Usinor Steel Corp. v. Daval Steel Prod's*, 1990 A.M.C. 362 (S.D.N.Y. 1989); *Farquhar v. Sheldon*, 116 F.R.D. 70, 72 (E.D. Mich. 1987); *Work v. Bier*, 107 F.R.D. 789, 792 n.4 (D.D.C. 1985).

After the case has been conferred, we will seek a 30(b) (6) deposition of plaintiff by the person with the most knowledge concerning the claim. Please be guided accordingly.

Very truly yours,

MAHONEY & KEANE, LLP

By:

Edward A. Keane